

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA (SCRANTON)**

HAROLD ALLEN
Plaintiff,

vs.

FIRST NATIONAL BANK OF OMAHA
Defendant.

Civil Action No.:

(REMOVAL ACTION)

**NOTICE OF REMOVAL OF
CIVIL ACTION FROM STATE COURT**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Defendant, FIRST NATIONAL BANK OF OMAHA (hereinafter referred to as “First National” by and through their undersigned counsel, respectfully represents as follows:

1. On or about May 24, 2018, Plaintiff, Harold Allen, filed a Civil Class Action against First National. The suit was filed in the Court of Common Pleas of Luzerne County, Pennsylvania, (“State Court Action”), and was assigned docket number 201805814. *A true copy of the Class Action Complaint is attached hereto as Exhibit “A”.*

2. The Complaint seeks, *inter alia*, damages for injuries allegedly arising from the violations of the Telephone Consumer Protection Act (hereinafter referred to as the “TCPA”) 47 U.S.C. § 227. (See Exhibit A)

3. This Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1331, as it involves a federal question with regards to the alleged violations of the TCPA.

4. Pursuant to 28 U.S.C. § 118(a), this Court is the district court for the district embracing the County of Luzerne, in which the State Court Action was filed and was pending. *See* 28 U.S.C. § 1441(a).

5. This action must therefore be removed to this Honorable Court pursuant to 28 U.S.C. § 1441(a).

6. Furthermore, this court will have pendent jurisdiction over any other state claims asserted or that may be asserted by the Plaintiff.

7. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely filed with this Court within thirty (30) days after service of the State Court Action, which was May 29, 2018, which set forth the claims for relief upon which the action against First National is based.

8. Promptly upon the filing and acceptance of this Notice of Removal, a true and correct copy of this Notice of Removal will be provided to all adverse parties pursuant to 28 U.S.C. § 1446(d). Pursuant to Fed. R. Civ. P. 5(d), First National concurrently files with this Court a Certificate of Service of this Notice of Removal to the adverse party.

9. Concurrently with the filing of this Notice of Removal, First National is filing a Notice of Filing of Notice of Removal with the Prothonotary of the Court of Common Pleas for Luzerne County, Pennsylvania, in accordance with 28 U.S.C. §1446(d).

10. First National submits this Notice of Removal subject to and without waiving any defenses and rights available to it.

WHEREFORE, Defendant, FIRST NATIONAL BANK OF OMAHA, respectfully requests that the above entitled action be removed from the Court of Common Pleas of Luzerne County, Pennsylvania.

Respectfully submitted,

CLARK HILL PLC

/s/ Joann Needleman

Joann Needleman, Esq.

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*Attorney for Defendant, First National Bank
of Omaha*

Date: June 14, 2018

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CERTIFICATION OF SERVICE

I, Joann Needleman, Esq., certify that on June 13, 2018, a true and correct copy of the attached NOTICE OF REMOVAL OF CIVIL ACTION FROM STATE COURT was filed electronically and served upon the persons below by electronic and regular mail:

Brett Freeman, Esq.
Sabatini Freeman, LLC
216 N. Blakely Street
Dunmore, PA 18512

Respectfully submitted,

CLARK HILL PLC

/s/ Joann Needleman
Joann Needleman, Esq.
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(215) 640-8536
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*Attorney for Defendant, First National Bank
of Omaha*

Date: June 13, 2018